

Serial No. 09/738,591
60246-116
8940

REMARKS

Claims 1-3, 22, 25, 26, 33-35, 37, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley in view of Kaneko and further in view of Barclay in combination with, or optionally further in view, of Gilbert. The Examiner admits that neither Bentley nor Kaneko disclose embedding particles in a heated film with a thermally controller roller. The Examiner states that Barclay teaches running a coated/preheated sheet through a pair of rollers with a cooling fluid and Gilbert teaches embedding particles into a polymeric sheet using heat and pressure, and therefore the claimed invention is obvious. Applicant respectfully disagrees.

The claimed invention is not obvious because Barclay and Gilbert are non-analogous art. Neither Barclay nor Gilbert are in Bentley, Kaneko or Applicant's field of endeavor. Bentley is directed to a condensing furnace, Kaneko is directed to a process for treating a surface of an aluminum heat exchanger, and Applicant's invention is directed toward a film for a heat exchanger. In contrast, Barclay is directed to a method for forming an abrasive sheet, and Gilbert is directed to sandpaper. Thus, the field of Barclay and Gilbert relate to abrasives sheets, while Bentley, Kaneko and Applicant's invention relate to heat exchangers. These fields are very different from each other. There is no motivation for one skilled in the art to consider a reference relating to an abrasive material when modifying a heat exchanger. Further, each of these fields have specific and unique design criteria and component characteristics, which are not compatible with each other.

Additionally, neither Barclay nor Gilbert is reasonably pertinent to the Applicant's particular problem. Barclay and Gilbert are clearly not within the field of heat exchangers, which is the subject to which Applicant's invention is directed. Barclay and Gilbert also do not logically commend themselves to the attention of an inventor seeking to solve problems present in heat exchangers. Barclay deals with the problem of creating an abrasive surface by securing an abrasive grit to a backing to form sandpaper, and Gilbert deals with the problem of providing an improved abrasive product. Sandpaper and abrasive surfaces are rubbed against another surface to grind down the other surface. Therefore, the abrasive grit must be strongly secured to a backing so that the abrasive grit can function. This problem is not present in a heat exchanger that is used to exchange heat between two fluids and is far removed from Applicant's problem of creating a film for a heat

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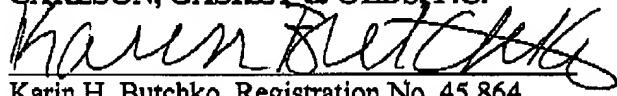
exchanger with a high surface energy having improved wettability properties so that liquid condensate spreads over the polar surface of the film instead of forming droplets that can spread into the atmosphere. Barclay and Gilbert are non-analogous art, and the claimed invention is not obvious.

Claims 29-32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley in view of Kaneko and further in view of Barclay in combination, or optionally further in view of Gilbert, and further in view of Rickert Jr. or Stewartor Steele or Hommeltoft. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley in view of Kaneko and further in view of Barclay in combination, or optionally further in view of Gilbert, and further in view of further in view of Linford. Claims 29-32, 36 and 7 depend on patentable claim 1 and are allowable for the reasons set forth above. The claimed invention is not obvious.

Thus, claims 1-3, 5, 7, 22, 25-27 and 29-41 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

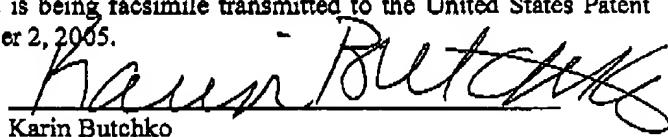


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on November 2, 2005.


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